

OLC #77-2629

NATIONAL SECURITY COUNCIL

June 28, 1977

MEMORANDUM FOR: GEORGE CARY

FROM: SAMUEL M. HOSKINSON

George,

Attached for your background are copies of some recent correspondence between the White House and Senator Biden. I leave it up to you whether or not this correspondence should be drawn to Admiral Turner's attention.

Attachment

Sam

7/13/77

100-101

SENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM					
UNCLASSIFIED		CONFIDENTIAL		SECRET	
OFFICIAL ROUTING SLIP					
TO	NAME AND ADDRESS		DATE	INITIALS	
1	Director				
2					
3					
4					
5					
6					
ACTION		DIRECT REPLY		PREPARE REPLY	
APPROVAL		DISPATCH		RECOMMENDATION	
COMMENT		FILE		RETURN	
CONCURRENCE		INFORMATION		SIGNATURE	
Remarks: <p>I thought you would be interested in seeing this exchange of correspondence between Senator Biden and the President on the subject of oversight control of foreign intelligence activities.</p> <div style="border: 1px solid black; width: 200px; height: 40px; margin: 10px auto;"></div> <p style="text-align: center;">George L. Cary (Legislative Counsel)</p>					
FOLD HERE TO RETURN TO SENDER					
FROM: NAME, ADDRESS AND PHONE NO.				DATE	
OLC 7D49				28 June 77	
UNCLASSIFIED		CONFIDENTIAL		SECRET	

Executive Registry

77-8153

OLC 77-26291a

FORM NO. 1-67 237 Use previous editions

(40)

(EXECUTIVE REGISTRY FILE)

White House

THE WHITE HOUSE

WASHINGTON

June 24, 1977

To Senator Joseph Biden

I wanted to take the opportunity to respond personally to your recent letter to me concerning effective oversight and control of foreign intelligence activities.

As you may know, one of my first acts as President was to require comprehensive review through the NSC system of all on-going covert action and other particularly sensitive foreign intelligence activities. Some changes were made in these programs and I am now confident that nothing illegal or otherwise improper is going on. In order to assure this remains the case, I have selected a new and stronger Intelligence Oversight Board.

The Congress can and should share responsibility for oversight. Admiral Turner understands my thinking on this subject and will continue to work with Congress to establish specific means, compatible with security requirements, to make sure the necessary information is available to the appropriate committees.

Sincerely,

Jimmy

The Honorable Joseph R. Biden, Jr.
United States Senate
Washington, D. C. 20510

THE WHITE HOUSE
WASHINGTON

June 17, 1977

Dear Senator Biden,

I have read your letter of 19 May to the President and wish to reassure you of the Administration's concern to establish effective oversight and control of foreign intelligence activities.

The President's personal interest in this subject was demonstrated by his recent selection of a new and stronger Intelligence Oversight Board. The Vice President's remarks at the swearing-in of the new IOB Chairman and members on 8 June (enclosed) are particularly instructive in this regard.

We agree fully that Congress should share responsibility for oversight and that ways must be found to do this that are compatible with security requirements. *I expect the President to be in touch with you directly.*

Sincerely,



Attachment

Zbigniew Brzezinski
Assistant to the President for
National Security Affairs

The Honorable Joseph R. Biden, Jr.
United States Senate
Washington, D. C. 20510

K. THOMAS, HAWAII, CHAIRMAN
GOLDWATER, ARIZ.

WYOM, ILL.
JANUARY, MAINE
BROOKS, N.Y.

WYOM, ILL.
JANUARY, MAINE
BROOKS, N.Y.

WYOM, ILL.
JANUARY, MAINE
BROOKS, N.Y.

CLIFFORD P. CASE, N.J.
JAMES EARL RYAN
CHARLES E. MATHIAS, JR., MD.
JAMES D. EASTLAND, MISS.
JOHN H. CHAFFIN, N.J.
RICHARD G. LUGAR, IND.
MALCOLM WALLACE, WYO.

United States Senate

SELECT COMMITTEE ON INTELLIGENCE

(PURSUANT TO S. RES. 400, 117TH CONGRESS)

WASHINGTON, D.C. 20510

ROBERT C. BYRD, W. VA., EX OFFICIO
HOWARD H. BAKER, JR., TENN., EX OFFICIO

WILLIAM O. MILLER, STAFF DIRECTOR
EARL D. ELLERMEYER, MINORITY STAFF DIRECTOR

May 19, 1977

*Recd - FM/NSC
21 MAY 1977 FYI*

IN REPLY PLEASE
REFER TO R#7935

The President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President:

At the meeting in the Cabinet Room last Friday, May 13, I raised a question concerning the necessity for the President and the executive branch to share its responsibility for the oversight of all intelligence activities including sensitive collection activities.

It is my view that the essence of our constitutional system is to share the burden of responsibilities in all matters of national policy whether public or of a secret nature.

Secondly, the value of effective oversight is that a President will be able to have the benefit of the advice of a broad spectrum of Senators experienced in national policies. There is little purpose to oversight if the only questions that are addressed are the easy and non-controversial ones.

Finally, the experience of recent years has underlined the wisdom of shared responsibility and oversight of all national matters including intelligence activities. The abuses of our intelligence system in the past by high officials might not have occurred had there been a rigorous and effective system of shared responsibility and oversight. I believe that the American people look to the oversight procedures established in S. Res. 400 as a substitute for public debate and full congressional review of matters which require extensive secrecy. This is especially true with respect to matters which may ultimately disrupt our relations with foreign powers, friend and foe alike.

The President of the United States
Page Two

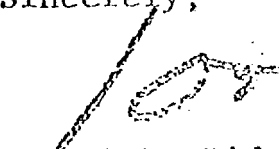
May 19, 1977

I submit these thoughts in friendship and with the intent of trying to strengthen our constitutional system. I recognize that the fragility of certain secret activities requires a relatively small group to be informed. But there should be no activities outside the purview of accountability and oversight. We all recognize that emergency situations will occur that will require immediate action by a President. But those occasions will be rare. Accountability and the review by an oversight body for these emergency activities should take place shortly thereafter, if constitutional oversight is to have any effect or meaning. It is my hope that we can develop a specific procedure on this matter in the near future and I would value the assistance of Admiral Turner and other Administration officials in this endeavor.

I know I speak for my colleagues on the Committee as well as for myself when I say how deeply I appreciate your forthright desire to work out the very difficult problem of bringing intelligence activities under constitutional control.

With kind regards,

Sincerely,



Joseph R. Biden, Jr.
United States Senator